

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKL/843

- Applicant** : Mr. CHOW Wai Kong represented by Metro Planning & Development Company Limited
- Site** : Lot 554 S.A ss.2 (Part) in D.D. 77, Ta Kwu Ling, New Territories
- Site Area** : About 980m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP)
No. S/NE-TKL/14
- Zonings** : (i) "Agriculture" ("AGR") (about 870m² or 89% of the Site)
(ii) "Industrial (Group D)" ("I(D)") (about 110m² or 11% of the Site)
- Application** : Temporary Warehouse for Storage of Metal and Associated Filling of Land for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary warehouse for storage of metal and associated filling of land for a period of three years at the application site (the Site) falling within an area zoned "AGR" and "I(D)" on the OZP (**Plan A-1**). According to the Notes of the OZP, 'Warehouse (other than Dangerous Goods Godown)' is a Column 1 use in the "I(D)" zone which is always permitted, while temporary use or development of any land or building not exceeding a period of three years and filling of land within the "AGR" zone require planning permission from the Town Planning Board (the Board). The Site is currently hard-paved, fenced-off and being used as the applied use without valid planning permission.
- 1.2 The Site is accessible from Ng Chow South Road (**Plan A-2**). According to the applicant, the applied use includes two one to two-storey structures of not more than 8m in height with a total floor area of not more than 810m² for warehouse for storage of metal, site office, electricity meter room, toilet, pump room and water tank. No workshop activities are proposed. A 7.3m wide vehicular access is located at the southern boundary of the Site. Two parking spaces for private car (2.5m (W) x 5m (L) each) and one loading/unloading space for light goods vehicle (3.5m (W) x 7m (L)) are provided. The applicant also applies for regularisation of filling of land at the "AGR" portion of the Site (about 870m² or 89% of the Site) (i.e. the current site level is about +13.7mPD to 14.6mPD) with concrete of about 0.2m in depth for operational need. No further land filling will be carried out within the Site. The applicant proposes traffic management

measures including installation of revolving lanterns at both sides of the vehicular access for pedestrian safety and the entrance gate to be kept open during operation hours to allow vehicles entering the Site without causing obstruction. The operation hours are between 9:00 a.m. and 7:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. The layout plan and land filling plan submitted by the applicant are shown in **Drawings A-1** and **A-2** respectively. The applicant has also submitted a condition record of the implemented drainage facilities, as-built drainage plan and a fire service installations (FSIs) proposal, the latter two of which are shown in **Drawings A-3** and **A-4** respectively.

1.3 The Site is the subject of three previous applications (No. A/NE-TKL/685, 702 and 767), with the last two submitted by the same applicant for the same use as the current application. Details of the previous applications are set out in paragraph 5 below. The last application No. A/NE-TKL/767 was approved with conditions for a period of three years by the Rural and New Town Planning Committee (the Committee) of the Board on 16.8.2024. The planning approval was subsequently revoked on 16.5.2026 due to non-compliance with an approval condition. Compared with the last approved application No. A/NE-TKL/767, the use, layout and development parameters in the current application remain largely unchanged.

1.4 In support of the application, the applicant has submitted the following documents:

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|-----|---|---------------|
| (a) | Application Form with attachments received on 17.6.2026 | (Appendix I) |
| (b) | Supplementary Information (SI) received on 19.6.2026 | (Appendix Ia) |
| (c) | Further Information (FI) received on 7.7.2026* | (Appendix Ib) |
| (d) | FI received on 29.7.2026* | (Appendix Ic) |
| (e) | FI received on 18.8.2026* | (Appendix Id) |
| (f) | FI received on 14.9.2026* | (Appendix Ie) |
| (g) | FI received on 6.10.2026* | (Appendix If) |

** accepted and exempted from the publication and recounting requirements*

1.5 On 14.8.2026, the Committee agreed to defer making a decision on the application for two months as requested by the applicant.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form, SI and FIs at **Appendices I** to **If**, as summarised below:

- (a) the Site is the subject of two previously approved applications No. A/NE-TKL/702 and 767 submitted by the same applicant for the same use as the current application which were to facilitate the relocation of business operation for storage of metal affected by Kwu Tung North New Development Area. The applicant spent efforts in identifying suitable sites for relocation, and the Site is considered suitable for relocation;
- (b) the applicant has complied with all the approval conditions under the last planning application No. A/NE-TKL/767 except for the implementation of FSIs proposal. Since the site inspection of the implemented FSIs could not be conducted before the deadline of compliance with the approval condition, the planning approval was revoked;
- (c) the applied use is temporary in nature which would not jeopardise the planning intention of the “AGR” zone in the long-run. Besides, part of the Site falls within the “I(D)” zone

where the applied use is permitted as-of-right. The applied use is considered compatible with the land uses in the surrounding environment and there are similar planning approvals in the “AGR” zone on the same OZP; and

- (d) minimal traffic impact and insignificant environmental and drainage impacts are anticipated. The applicant will follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (‘COP’) and the Professional Persons Environmental Consultative Committee Practice Notes No. 5/93 to upkeep the environment of the Site.

3. **Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is the sole “current land owner” of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

Recent site inspection revealed that storage use was observed at the Site. Warning poster was posted on site. The Site and its vicinity are under regular monitoring. The Site may be subject to planning enforcement action if sufficient evidence to prove an ‘unauthorized development’ under the Town Planning Ordinance is identified.

5. **Previous Applications**

- 5.1 The Site is the subject of three previous applications (No. A/NE-TKL/685, 702 and 767). Applications No. A/NE-TKL/702 and 767, which were submitted by the same applicant for the same use as the current application, were approved with conditions by the Committee on 26.8.2022 and 16.8.2024 for a period of three years respectively mainly on the considerations that no major adverse departmental comments were received on the application or concerns of the relevant government departments could be addressed through imposition of approval conditions, and policy support was given to facilitate the relocation of the applicant’s business operation affected by government project¹. Their planning permissions were subsequently revoked on 26.5.2024 and 16.5.2026 respectively due to non-compliance with approval conditions. Under the last approved application No. A/NE-TKL/767, while the applicant complied with the approval conditions on submission of a condition record of the existing drainage facilities and FSIs proposal, the approval condition in relation to the implementation of FSIs proposal was not complied with.
- 5.2 Regarding application No. A/NE-TKL/685 for proposed temporary animal boarding establishment (dog kennel), the planning considerations are not applicable to the current application which is for a different use.
- 5.3 Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

¹ For application No. A/NE-TKL/702 only.

6. Similar Applications

- 6.1 There are two similar applications (No. A/NE-TKL/809 and 830) for temporary warehouse falling within the same “AGR” zone in the vicinity of the Site in the past five years. They were approved with conditions by the Committee for a period of three years in 2025 and 2026 respectively mainly on similar considerations as mentioned in paragraph 5.1 above.
- 6.2 Application No. A/NE-TKL/850 for temporary warehouse for storage of construction materials/tools and equipment with ancillary office/workshop and associated filling of land for a period of three years within the “AGR” zone in the vicinity of the Site will be considered at this meeting (**Plan A-1**).
- 6.3 Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

7. The Site and Its Surrounding Areas (Plans A-1 to A-4)

- 7.1 The Site is:
- (a) currently hard-paved, fenced-off and being used as the applied use without valid planning permission; and
 - (b) abutting Ng Chow South Road.
- 7.2 The surrounding areas are of rural character comprising a mixture of uses including logistics centres, workshops, a warehouse, domestic structures and open spaces. To the south across Ng Chow South Road is an elderly home within the “Government, Institution or Community” zone.

8. Planning Intention

- 8.1 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.
- 8.2 According to the Explanatory Statement of the OZP, as filling of land within the “AGR” zone may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.

9. Comments from Relevant Government Departments

- 9.1 Apart from the government departments as set out in paragraphs 9.2 and 9.3 below, other government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and the recommended advisory clauses are provided at **Appendices IV** and **V** respectively.

9.2 The following government department does not support the application:

Agriculture and Nature Conservation

9.2.1 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

Agriculture

- (a) the application is not supported from agricultural perspective;
- (b) the Site falls within the “AGR” and “I(D)” zones. Agricultural infrastructures such as road access and water source are available in the area. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. The Site possesses potential for agricultural rehabilitation; and

Nature Conservation

- (c) he has no comment on the application from nature conservation perspective.

9.3 The following government department provides views on the application:

Traffic

9.3.1 Comments of the Commissioner for Transport (C for T):

- (a) she has no comment on the application;
- (b) considering the road safety and road management, it is suggested to impose the approval conditions on the implementation of traffic management measures as proposed by the applicant, and the traffic management measures should be maintained during the planning approval period; and
- (c) her advisory comments are at **Appendix V**.

10. Public Comments Received During Statutory Publication Period

On 26.6.2026, the application was published for public inspection. During the statutory public inspection period, two public comments were received (**Appendix VI**). One comment from an individual objects to the application mainly on the ground that the approval condition under the previously approved application was not complied with. The remaining comment from a member of the North District Council indicates no comment on the application.

11. Planning Considerations and Assessments

11.1 The application is for temporary warehouse for storage of metal and associated filling of land for a period of three years at the Site falling within an area zoned “AGR” (about 89%) and “I(D)” (about 11%) on the OZP. The applied use is not in line with the planning

intention of the “AGR” zone and DAFC does not support the application from the agricultural perspective as the Site possesses potential for agricultural rehabilitation. Taking into account the planning assessments below, sympathetic consideration could be given to the applied use with associated filling of land on a temporary basis of three years.

- 11.2 The application involves regularisation of filling of land at the “AGR” portion of the Site with concrete of about 0.2m in depth for operational need. Filling of land within “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the adjacent areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) and Director of Environmental Protection have no objection to the application from public drainage and environmental planning perspectives respectively. As part of the Site is zoned “AGR”, an approval condition requiring the reinstatement of the “AGR” portion of the Site upon expiry of the planning permission so as to uphold the planning intention of the “AGR” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.
- 11.3 The Site is located in an area of rural character comprising a mixture of uses including logistics centres, workshops, a warehouse, domestic structures and open spaces. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective, and advises that the applied use is considered not incompatible with the surrounding environment and significant adverse landscape impact arising from the application is not anticipated.
- 11.4 Other relevant government departments consulted, including the Director of Fire Services (D of FS), have no objection to or no adverse comment on the application. While C for T has no comment on the application, she recommends imposing approval conditions on the implementation and maintenance of traffic management measures as proposed by the applicant in consideration of road safety and road management. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 12.2 below. Should the application be approved, the applicant will be advised to follow the environmental mitigation measures as set out in the ‘COP’ to minimise any potential environmental nuisance.
- 11.5 The Site is the subject of two previously approved applications (No. A/NE-TKL/702 and 767) submitted by the same applicant for the same use as the current application, which were revoked on 26.5.2024 and 16.5.2026 respectively due to non-compliance with approval conditions as detailed in paragraph 5.1 above. For the last application No. A/NE-TKL/767, the applicant explains that since the site inspection of the implemented FSIs could not be conducted before the deadline of compliance with the approval condition, the planning approval was revoked. In the current application, the applicant has submitted the as-built drainage plan, condition record of the implemented drainage facilities and FSIs proposal, and CE/MN, DSD and D of FS consider that the relevant submissions are acceptable. The applicant also undertakes to comply with the approval conditions upon approval of the current application. Compared with the last approved application No. A/NE-TKL/767, the use, layout and development parameters in the current application remain largely unchanged. In view of the above, and noting that there is no major change in planning circumstances since the approval of the previous application, sympathetic consideration could be given to the application. Nevertheless, since the last two approvals were revoked due to non-compliance with the approval conditions, should the Committee decide to approve the application, the applicant will be advised that should the applicant fail to comply with any of the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration shall not be given to any further application.

- 11.6 There are also two approved similar applications for temporary warehouse falling within the same “AGR” zone in the vicinity of the Site in the past five years as mentioned in paragraph 6.1 above. The planning circumstances of the current application are largely similar to those of the similar applications. Approval of the current application is in line with the Committee’s previous decisions.
- 11.7 Regarding the public comments on the application as detailed in paragraph 10 above, the government departments’ comments and planning assessments above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments in paragraph 10 above, PlanD has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of three years until 9.10.2029. The following conditions of approval and advisory clauses are suggested for Members’ reference:

Approval Conditions

- (a) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (b) the implementation of the accepted fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 9.7.2027;
- (c) the implementation of the traffic management measures, as proposed by the applicant, within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 9.7.2027;
- (d) in relation to (c) above, the implemented traffic management measures shall be maintained at all times during the planning approval period;
- (e) if any of the above planning condition (a) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (f) if any of the above planning condition (b) or (c) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (g) upon expiry of the planning permission, the reinstatement of the “AGR” portion of the Site, including the removal of fill materials and hard paving, and grassing of the “AGR” portion of the Site to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are at **Appendix V**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the applied use with associated filling of land is not in line with the planning intention of the "AGR" zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application Form with Attachments received on 17.6.2026
Appendix Ia	SI received on 19.6.2026
Appendix Ib	FI received on 7.7.2026
Appendix Ic	FI received on 29.7.2026
Appendix Id	FI received on 18.8.2026
Appendix Ie	FI received on 14.9.2026
Appendix If	FI received on 6.10.2026
Appendix II	Previous Applications
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Land Filling Plan
Drawing A-3	As-Built Drainage Plan
Drawing A-4	FSIs Proposal
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos